

REMARKS**I. Status of the Claims:**

Claims 1-168 are currently pending in the application. Of these, claims 44, 57-64, 108, 121-128, 155 and 168 are withdrawn from consideration. The claims currently under consideration include independent claims 1, 35, 37, 40, 45, 51, 52, 65, 99, 101, 104, 109, 115, 116, 129, 149, 151, 156, 162, and 163.

By this Amendment, claims 1, 35, 37, 40, 45, 51, 52, 65, 99, 101, 104, 109, 115, 116, 129, 149, 151, 156, 162, and 163 have been amended. No new matter has been introduced by this Amendment.

II. Rejections under 35 U.S.C. §§ 102 and 103:

Claims 1-2, 5-13, 17-20, 25, 35-43, 45-56, 65-66, 69-77, 81-84, 89, 99-107, 109-120, 129-130, 133-139, 141-143, 145, 149-154 and 156-167 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,933,100 to Golding ("Golding"). Claims 3, 67 and 131 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 5,155,689 to Wortham ("Wortham"). Claims 4, 68 and 132 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 6,327,535 to Evans et al. ("Evans"). Claims 14 and 78 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 5,559,312 to Lucero ("Lucero"). Claims 15, 21, 34, 79, 85 and 98 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 6,736,727 to Doi et al. ("Doi"). Claims 16 and 80 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 5,485,163 to Singer et al. ("Singer").

Claims 22-24, 32, 86-88 and 96 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 6,181,935 to Grossman et al. (“Grossman”). Claims 26 and 90 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 6,418,330 to Lee (“Lee”). Claims 27-30 and 91-94 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 6,133,853 to Obradovich et al. (“Obradovich”). Claims 31, 33, 95 and 97 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 5,696,906 to Peters et al. (“Peters”).

Independent claims 1, 35, 37, 40, 45, 51, 52, 65, 99, 101, 104, 109, 115, 116, 129, 149, 151, 156, 162, and 163, as amended, are directed to arrangements in which the the novelty index value reflects a measure of probability of a device occupying, for example, a determined location, a current context or a context. These changes in general are made in accordance with the Examiner’s suggestions indicated on page 45 of the Office Action.

The cited references do not appear to disclose or suggest the above noted feature as claimed. Accordingly, claims 1, 35, 37, 40, 45, 51, 52, 65, 99, 101, 104, 109, 115, 116, 129, 149, 151, 156, 162, and 163 and the claims dependent are not anticipated by the cited references and are believed to be distinguishable over the same.

III. Information Disclosure Statement

The Examiner indicated that some of the non patent references for the IDS submitted on August 5, 2005 were not present in the prosecution history file, and requested another copy of those references. This was confirmed with the Examiner during teleconference on February 14, 2006. Accordingly, to facilitate prosecution, the Applicants respectfully

resubmit copies of the references as well as an IDS and PTO 1449 form, even though these references are believed to have been received by the USPTO. A copy of the stamped postcard indicating receipt of these references are attached for the Examiner's reference. Accordingly, the Applicants respectfully request consideration of these references, and believe that no fee is necessary in view of the circumstances.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

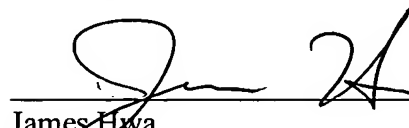
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4013.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4013.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: 2/15/06

By: _____


James Hwa
Registration No. 42,680
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101